

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
MC ALLEN DIVISION

UNITED STATES OF AMERICA,	)	CASE NO: 7:12-CR-1136-5
	)	
Plaintiff,	)	CRIMINAL
	)	
vs.	)	McAllen, Texas
	)	
ARNOLDO ADAN DAVILA,	)	Thursday, January 10, 2013
	)	
<u>Defendant.</u>	)	(11:38 a.m. to 11:42 a.m.)

ARRAIGNMENT AND DETENTION HEARING

BEFORE THE HONORABLE DORINA RAMOS,  
UNITED STATES MAGISTRATE JUDGE

<u>Appearances:</u>	See next page
Interpreter:	Woody Lewis
Court Recorder:	Lynette Slayton
Transcribed By:	Exceptional Reporting Services, Inc. P.O. Box 18668 Corpus Christi, Texas 78480-8668 361 949-2988

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ORIGINAL AND ONE COPY AT THE OFFICIAL RATE.  
General Order 94-15, United States District Court,  
Southern District of Texas.**

Proceedings recorded by electronic sound recording;  
transcript produced by transcription service.

**APPEARANCES FOR:**

**Plaintiff:** TERRY LEONARD, ESQ.  
Assistant United States Attorney  
1701 W. Business Hwy. 83  
Suite 600  
McAllen, Texas 78501

**Defendant:** MARCO A. DE LUNA, ESQ.  
P.O. Box 6225  
McAllen, Texas 78502

McAllen, Texas; Thursday, January 10, 2013; 11:38 a.m.

(Call to Order)

**MR. SPEAKER:** I apologize.

**THE COURT:** No problem. Let me call for arraignment and detention, Arnoldo Davila?

**MR. DE LUNA:** Marco De Luna for Mr. Davila.

**MR. LEONARD:** The Government is present and ready, your Honor.

**THE COURT:** Okay. Let me go ahead and arraign you. Have you talked to your client?

**MR. DE LUNA:** I have, yes. Yes, your Honor.

**THE COURT:** Okay. Okay. Mr. Davila, I need to ask you some questions. I need to place you under oath. Raise your right hand, please.

**(Defendant Sworn)**

**THE COURT:** Out loud.

**THE DEFENDANT:** Yes, ma'am.

**THE COURT:** All right. You may put your hand down. Your true name, sir, is Arnoldo Adan Davila?

**THE DEFENDANT:** Yes, ma'am.

**THE COURT:** And sir, have you ever been in a mental hospital?

**THE DEFENDANT:** No, ma'am.

**THE COURT:** Have you ever been treated for a mental illness, alcohol, or drug addiction?

1           **THE DEFENDANT:** No, ma'am.

2           **THE COURT:** Are you now under the influence of any  
3 drug, alcohol, or medication?

4           **THE DEFENDANT:** No, ma'am.

5           **THE COURT:** Have you reviewed the Indictment with  
6 your attorney? Have you reviewed the charge --

7           **THE DEFENDANT:** Yes.

8           **THE COURT:** -- in the Indictment with your attorney?

9           **THE DEFENDANT:** Yes, ma'am.

10          **THE COURT:** Do you understand what it is that you are  
11 charged with?

12          **THE DEFENDANT:** Yes, ma'am.

13          **THE COURT:** Would you like the Indictment read to you  
14 or do you waive the reading?

15          **THE DEFENDANT:** I waive it.

16          **THE COURT:** Did you understand this Indictment  
17 charges you in Count Four with conspiracy to possess with the  
18 intent to distribute more than 1,000 kilograms of marijuana and  
19 if found guilty of this charge, you are facing a minimum of ten  
20 years imprisonment up to a maximum of life imprisonment, and a  
21 fine not to exceed \$10 million? Do you understand the nature  
22 of the charge and the penalty you are facing?

23          **THE DEFENDANT:** Yes, ma'am.

24          **THE COURT:** What is your plea to this charge, sir,  
25 guilty or not guilty?

1           **THE DEFENDANT:** Not guilty.

2           **THE COURT:** I will enter your plea of not guilty and  
3 make a finding you are competent to stand trial. Your attorney  
4 will receive a Scheduling Order and at this time, I take  
5 judicial notice of the Pretrial Services Report. What is the  
6 Government's recommendation?

7           **MR. LEONARD:** The Government's recommendation is no  
8 bond, your Honor. And I would also add to the Pretrial  
9 Services Report, it's stated in there that back on the prior  
10 record where he attempted to kill a border patrol officer --

11           **THE COURT:** Okay.

12           **MR. LEONARD:** -- that occurred -- he was tried back  
13 on December 7th of 1990. I know because I'm the one who tried  
14 him.

15           **THE COURT:** Uh-huh.

16           **MR. LEONARD:** He was found guilty. Bobby Flores  
17 (phonetic) represented him and he was found guilty of attempted  
18 murder of a fellow officer back then.

19           **THE COURT:** Okay.

20           **MR. LEONARD:** That just to add to the -- that  
21 information the Court has.

22           **THE COURT:** All right.

23           **MR. LEONARD:** And yes, he's a danger to the  
24 community. We request no bond.

25           **THE COURT:** Do you have any -- anything to present?

1           **MR. DE LUNA:** No, your Honor. I've spoken to Mr.  
2 Davila about that. We understand the -- nature of it.

3           **THE COURT:** All right. Then the Court does note the  
4 nature of this offense, the quantity of marijuana involved, and  
5 although you are a U.S. citizen with strong family, social, and  
6 some economic ties -- strong economic ties in the area in which  
7 you reside. The Court also takes into consideration your  
8 previous criminal history and will -- your -- and your ties to  
9 Mexico and will find that there are no conditions or  
10 combination of conditions that will secure your appearance at  
11 future Court proceedings. And at this time, you are remanded  
12 to the custody of the Marshal.

13           **(This proceeding was adjourned at 11:42 a.m.)**  
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CERTIFICATION

I certify that the foregoing is a correct transcript from the electronic sound recording of the proceedings in the above-entitled matter.

A handwritten signature in black ink, appearing to read "Toni Hudson", is written over a horizontal line.

Signed

March 28, 2013

Dated

*TONI HUDSON, TRANSCRIBER*